

A BILL

21-603

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Prevention of Child Abuse and Neglect Act of 1977 to require the Mayor to issue rules to consolidate existing rights and responsibilities for foster parents, require the Child and Family Services Agency to inform foster parents of their rights and responsibilities, provide copies of the Statements of Rights and Responsibilities for Foster Parents to current foster parents, incorporate the Statements of Rights and Responsibilities for Foster Parents into scheduled trainings for foster parents, develop an implementation plan for the dissemination of the Statements of Rights and Responsibilities for Foster Parents, develop a process for receiving and handling reports of violations and complaints, and to establish annual reporting requirements to the Council and the public on outcomes related to reports of violations and complaints.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Foster Parents Statements of Rights and Responsibilities Amendment Act of 2016”.

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) A new Title III-D to read as follows:

TITLE III-D

“STATEMENTS OF RIGHTS AND RESPONSIBILITIES FOR FOSTER PARENTS”

“Sec. 381. Definitions.

“For the purposes of this title, the term:

“(1) “Foster parent” means an individual licensed by a District-licensed child-placing

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32 agency, as defined under section 2 of an Act to regulate the placing of children in family homes, and  
33 for other purposes, approved April 22, 1944 (58 Stat. 193; D.C. Official Code § 4-1402), who  
34 provides 24-hour substitute care to a youth placed away from his or her parent or guardian.

35 “(2) “Youth” shall have the same meaning as provided in section 371.

36 “Sec. 382. Statements of Rights and Responsibilities for Foster Parents.

37 “(a) Within 180 days after the effective date of this title, the Mayor, pursuant to Title I of the  
38 District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.  
39 Official Code § 2-501 *et seq.*), shall amend existing rules governing foster parents to:

40 “(1) Incorporate existing rights and responsibilities for foster parents provided by  
41 local law, federal law, local regulations, agency administrative issuances, and other policy  
42 documents; and

43 “(2) Establish a Statements of Rights and Responsibilities for Foster Parents.

44 “(b) The Agency shall guarantee that each foster parent will receive the following:

45 “(1) A printed copy of the Statements of Rights and Responsibilities for Foster  
46 Parents in readily understandable language and in accordance with section 4 of the Language Access  
47 Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933);

48 “(2) An explanation of a foster parent’s right to be informed of decisions made by the  
49 Agency that impact the foster parent, while ensuring the best interests and confidentiality of youth  
50 and families;

51 “(3) An explanation of a foster parent’s right to report violations of their rights to the  
52 Agency without fear of retaliation;

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53                   “(4) An explanation of the process for reporting violations of a foster parent’s rights  
54 to the Agency;

55                   “(5) An explanation of the process for reporting complaints related to the Agency’s  
56 provision of services and supports; and

57                   “(6) An explanation of the process by which reports of violations of a foster parent’s  
58 rights and complaints related to the Agency’s provision of services and supports are resolved, within  
59 reasonable efforts.

60                   “Sec. 383. Dissemination of rights and responsibilities information.

61                   “(a) When a foster parent is licensed by the Agency, the Agency shall inform the foster  
62 parents of their rights and responsibilities and disseminate to the foster parent and the appropriate  
63 child-placing agency the Statements of Rights and Responsibilities for Foster Parents.

64                   “(b) The Agency shall disseminate the Statements of Rights and Responsibilities for Foster  
65 Parents and related information to foster parents who are licensed by the Agency before the effective  
66 date of this title.

67                   “(c) The Agency shall incorporate the Statements of Rights and Responsibilities for Foster  
68 Parents into scheduled trainings for foster parents, social workers, and other affected partners,  
69 including providers and other persons who are associated with the care of youth.

70                   “Sec. 384. Implementation plan.

71                   “(a) Within 180 days after the effective date of this title, the Agency shall establish the  
72 following:

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73                   “(1) A plan for the dissemination of the Statements of Rights and Responsibilities for  
74 Foster Parents to foster parents and the appropriate child-placing agency;

75                   “(2) A process for receiving, investigating, and resolving, within reasonable efforts,  
76 reports of violations of a foster parent’s rights and complaints related to the Agency’s provision of  
77 services and supports;

78                   “(b) The Agency shall have the following responsibilities regarding the implementation of  
79 this title:

80                   “(1) Receive, investigate, and resolve, within reasonable efforts, reports of violations  
81 of a foster parent’s rights and complaints related to the Agency’s provision of services and supports;

82                   “(2) Document the number, general sources and origins, and the nature of reports  
83 received about violations of foster parent’s rights and complaints received about the Agency’s  
84 provision of services and supports;

85                   “(3)(A) Beginning on January 31, 2018, and every January 31st thereafter, the  
86 Director shall make available to the Council a report containing data collected over the course of the  
87 prior year that includes the information collected pursuant to subparagraphs (B) and (C) of this  
88 paragraph.

89                   “(B) The report shall include the following information regarding reports  
90 received by the Agency about violations of a foster parent’s rights:

91                                   “(i) The number of contacts made by telephone, website, or otherwise;

92                                   “(ii) The type and general sources of those contacts;

93                                   “(iii) The number of investigations performed;

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94 “(iv) The number of pending investigations;  
95 “(v) The trends and issues identified during the course of  
96 investigations; and  
97 “(vi) The outcomes of the investigations conducted.  
98 “(C) The report shall include the following information regarding complaints  
99 received by the Agency about its provision of services and supports to foster parents:  
100 “(i) The number of contacts made by telephone, website, or otherwise;  
101 “(ii) The type and general sources of those contacts;  
102 “(iii) The number of investigations performed;  
103 “(iv) The number of pending investigations;  
104 “(v) The trends and issues identified during the course of  
105 investigations; and  
106 “(vi) The outcomes of the investigations conducted.  
107 “(4) By January 31, 2018, and every January 31st thereafter, post the report required  
108 by paragraph (3) of this subsection on the Agency’s website so that it is readily available to the  
109 public.  
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111 “Sec. 385. Rules.  
112 Proposed rules to implement this title shall be submitted to the Council for a 45-day period  
113 of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council

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114 does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-  
115 day review period, the proposed rules shall be deemed approved.”.

116 (b) Section 374(b)(2) (D.C. Official Code § 4-1303.74(b)(2)) is amended by striking the  
117 phrase “communication” and inserting the phrase “complaint” in its place.

118 Sec. 3. Fiscal impact statement.

119 The Council adopts the fiscal impact statement in the committee report as the fiscal impact  
120 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
121 October 16, 2006 (120 Stat. 2038; D.C. Official Code §1-301.47a).

122 Sec.4. Effective date.

123 This act shall take effect following approval by the Mayor (or in the event of veto by the  
124 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
125 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,  
126 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia  
127 Register.